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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-against-

BENJAMIN BOOTH,

Defendant.

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

PATRICIA McGRANE, being duly sworn, deposes and says that she is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), duly appointed according to law and acting as such.

Upon information and belief, on or about September 2005, within the Eastern District of New York, the defendant BENJAMIN BOOTH, not being a licensed importer, licensed manufacturer, licensed dealer, or licensed collector in firearms, did knowingly and willfully receive in the State where he resides a firearm, to wit: a Glock .40 caliber semi-automatic firearm, purchased outside that State.

(Title 18, United States Code, Section 922(a)(3))

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

^{1/} Because the purpose of this affidavit is to establish only probable cause to obtain an arrest warrant, I have not set forth a description of all the facts and circumstances of which I am

1. I have been a Special Agent with ATF for approximately seventeen years, during which time I have investigated state and federal firearms offenses. The information set forth in this complaint is based on my own observations, interviews with law enforcement officers, and review of records of the United States Coast Guard and ATF.

2. Based upon information provided by Interstate Arms Corp, a licensed firearms dealer, located at 6G Dunham Road, Billerica, Massachusetts, in September 2005, the defendant BENJAMIN BOOTH placed an order for a Glock .40 caliber semi-automatic firearm to be delivered to him at the United States Coast Guard, Tactical Operations/Sea Marshal, 212 Coast Guard Drive, 2nd Deck, Staten Island, New York. The defendant is a Sea Marshal of the United States Coast Guard. He has been assigned to the Coast Guard base located at Fort Wadsworth, 212 Coast Guard Drive, Staten Island, New York since approximately November 1997.^{2/}

3. In support of his purchase order for the Glock .40 caliber semi-automatic firearm, the defendant BENJAMIN BOOTH sent a letter to Interstate Arms Corp on Coast Guard letterhead stating that he intended to use the firearm in performance of his

aware.

^{2/} While the defendant was assigned to work at the Coast Guard base in Staten Island, he maintained a residence in Newburgh, New York.

official duties as a law enforcement officer with the United States Coast Guard. The letter bears the signatures of BENJAMIN BOOTH as "Federal Law Enforcement Officer (Purchaser)" and Lieutenant James Cullen as "Assistant Chief (Purchaser's Supervisor)."

4. Lieutenant Cullen was shown the letter and stated that he did not sign it. In addition, based upon information provided by the United States Coast Guard, the defendant's position as a Sea Marshal does not authorize him to carry a firearm while off duty nor does it authorize him to possess a firearm for personal use. The Sea Marshals do carry firearms while on duty, however, the firearms are issued by the United States Coast Guard each time the officer reports for duty and the officer returns the firearm at the completion of his duty. The Sea Marshals do not maintain possession of a firearm while off duty.


5. On September 20, 2005, Interstate Arms Corp shipped a Glock. 40 caliber semi-automatic firearm, serial number HHF680 (the "subject firearm") to the defendant BENJAMIN BOOTH at the address listed above in Staten Island, New York via Federal Express.

6. On May 16, 2007, pursuant to a traffic stop by the Newburgh Police, the defendant was found in possession of the

subject firearm in the vicinity of 290 Broadway, Newburgh, New York.^{3/}

7. A check of records maintained by the NYPD and ATF revealed that the defendant does not have a permit to possess a pistol nor does he have a license deal in firearms.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant BENJAMIN BOOTH so that he may be dealt with according to law.


PATRICIA McGRANE
Special Agent
ATF

Sworn to before me this
8th day of November, 2007

UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

^{3/} The defendant is charged in Newburgh, New York with Criminal Possession of a Weapon in the Second Degree.